

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1516.00  
**COMPLAINT INVESTIGATOR:** Steve Starbuck  
**DATE OF COMPLAINT:** January 25, 2000  
**DATE OF REPORT:** February 11, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** March 7, 2000

**COMPLAINT ISSUES:**

Whether the Brownstown Central Community School Corporation and the Orange-Lawrence-Jackson-Martin-Green Joint Services violated:

- 511 IAC 7-10-1 with regard to the School's alleged failure to ensure the identification and evaluation of a student within the school corporation who may be eligible for special education and related services.
- 511 IAC 7-10-3(c) and (e) with regard to the School's alleged failure to conduct a meeting with the parent and obtain her written consent for an educational evaluation after the parent verbally requested an evaluation and the School agreed to provide the consent form.

During the course of the investigation, an additional issue was identified, which is:

- 511 IAC 7-10-3 with regard to the School's alleged failure to ensure that the Student received an educational evaluation within a timely manner upon being identified by the classroom teacher as a student who may be eligible for special education and related services.

**FINDINGS OF FACT:**

4. The Student is ten years old and is in the process of being evaluated for special education and related services.
5. From September 3, 1999, to January 26, 2000, the Student's Conduct Report lists eighteen behavior management infractions. The infractions resulted in the following disciplinary actions:

a.	Oral reprimand	2
b.	Noon Detention	1
c.	Half day in school suspension	2
d.	In school suspension	8
e.	Suspension	<u>5</u>
	Total	18

It should be noted, that the Student's attendance record shows the Student as having six school suspensions, instead of five as listed on the Conduct Report.

6. First semester grades for the Student are as follows:

<u>First Grading Period</u>		<u>Second Grading Period</u>		<u>First Semester Grades</u>	
English	C	English	F	English	D
Math	C	Math	D-	Math	C-
Reading	D+	Reading	F	Reading	F
Science	F	Science	F	Science	F
Social Studies	F	Social Studies	F	Social Studies	F
Spelling	F	Spelling	F	Spelling	F

7. During the months of September and October 1999, the Student exhibited aggressive and disruptive behavior in the classroom setting. His grades were extremely poor, which did not represent his academic capabilities. On November 3, 1999, the Student was referred to the Student Assistance Program to determine the need for general education interventions. The team decided that the Student could benefit from such services, yet an educational plan was not written until December 10, 1999. The Director states a meeting had been scheduled to discuss the plan on December 10, 1999, but the parent indicated she was unable to attend, and the meeting was canceled. According to School personnel, the education plan was not implemented because the parent never came to the School to sign the plan.
8. Another Student Assistant Program meeting was convened on January 25, 2000, to discuss the Student's progress. The Student Assistance Program Report dated January 25, 2000, indicates a deterioration in the Student's attitude, and noted that a retention letter was sent home with the Student's report card.
9. As a member of the Student Assistance Program team, the classroom teacher signed the Referral for Educational Evaluation form on December 3, 1999, however, the school principal did not sign the form until January 25, 2000. The Director states it is policy for both the classroom teacher and school principal to sign the referral form when an educational evaluation is recommended by the School.
10. The parent provided written consent on February 3, 2000, for the Student to be evaluated, and the Student is scheduled to be evaluated on February 14, 2000.
11. The parent states she requested that an educational evaluation be completed for the Student at a meeting held at the School on November 17, 1999. The Director states the parent came to the School unannounced, and a meeting was convened due to the parent having concerns over an incident on the playground that involved the Student. The Director states the issue of completing an educational evaluation was not discussed. Since this was not a scheduled meeting, no notes were taken regarding the issues discussed at the meeting. Until the recommendation was initiated by the classroom teacher on December 3, 1999, there is no documentation to indicate that the parent requested an evaluation of the Student subsequent to the November 17, 1999, meeting.

#### **CONCLUSIONS:**

1. Findings of Fact #2 through #5 indicate that due to the Student's academic and behavior problems, the School had prior knowledge of the Student's situation, and failed to identify and evaluate him for special education and related services. Therefore, a violation of 511 IAC 7-10-1 is found.
2. Findings of Fact #6 and #7 indicate the Student was identified by the classroom teacher as

needing to be evaluated for special education on December 3, 1999, however, proper procedures were not taken by the School to ensure to Student was evaluated in a timely manner. Therefore, a violation of 511 IAC 7-10-1 is found.

3. Finding of Fact #8 reflects that there is no documentation to indicate that the parent requested an evaluation of the Student prior to January 25, 2000, when an evaluation was recommended by the Student Assistance Program team. Therefore, no violation of 511 IAC 7-10-3(c) and (e) is found.

**The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Brownstown Central Community School Corporation and the Orange, Lawrence, Jackson, Martin, and Green Joint Services shall:

1. In-service all appropriate staff as to the identification and evaluation of students who may be eligible for special education and related services as specified in 511 IAC 7-10-1 and 511 IAC 7-10-3. Submit to the Division no later than Wednesday, March 8, 2000, a list or an agenda of all issues discussed at the training, including a list of attendees by name and title.